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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,535	04/22/2004	Larry J. Verbowski	710220-002	7312
59582 7590 08/10/2007 DICKINSON WRIGHT PLLC 38525 WOODWARD AVENUE SUITE 2000 BLOOMFIELD HILLS, MI 48304-2970			EXAMINER MCCREARY, LEONARD	
			ART UNIT 3616	PAPER NUMBER
			MAIL DATE 08/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/829,535	Applicant(s) VERBOWSKI, LARRY J.	
	Examiner Leonard J. McCreary, Jr.	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-15, 17, 29, 30 and 36-45 is/are pending in the application.
- 4a) Of the above claim(s) 43-45 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29 and 30 is/are allowed.
- 6) ☒ Claim(s) 36-42 is/are rejected.
- 7) ☐ Claim(s) 13-15 and 17 is/are objected to.
- 8) ☒ Claim(s) 43-45 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on *** has been entered.

Election/Restrictions

2. Newly submitted claims 43-45 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The original claims and supporting material in the specification are directed towards apparatus claims.

3. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 43-45 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

1. Claim 13 is objected to because of the following informalities: it is written as two sentences.
2. Claim 17 is objected to because of the following informalities: it is dependent upon cancelled claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 36-39 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 36 recites the limitation "said anchored end" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 36-42 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US 4635958 to Yonemoto in view of US 4243247 to Kataoka. Yonemoto discloses a torsion bar suspension for an automobile comprising the following:

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a. An apparatus for extending the useful life of a torsion bar in a vehicular suspension assembly, said apparatus comprising: a support frame 450; a control arm 500 movable relative to said support frame for carrying a wheel 84; a torsion bar 300 extending between a control 310 end and an adjustment end 320, said control end directly connected to said control arm for torsionally resisting movement of said control arm relative to said support frame,; an adjustment lever 100 supported in said frame and pivotally moveable within a limited range for twisting said torsion bar so as to increase or decrease the position of said control arm relative to said frame, said adjustment lever having a pivot portion 130 operatively connected to said adjustment end of said torsion bar and a distal swinging tip portion 122; a screw adjustment mechanism 600 operatively engaging said tip portion of said adjustment lever for precisely and infinitely inducing twist in said torsion bar within the limited range of pivotal movement of said adjustment lever; whereby the useful life of a fatigued torsion bar can be extended by completely disengaging hub (splined portion adjacent to 320) from said adjustment lever, and then re-engaging said hub with said torsion bar and said adjustment lever in a new relative position resulting in a slight incremental adjustment of said tip portion relative to said torsion bar so that said screw adjustment mechanism remains operative to infinitely induce twist in said torsion bar while said adjustment lever remains supported in said frame within its limited range of pivotal movement (figs 1-5) (clm 36).

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- b. An apparatus as set forth in claim 36 wherein said hub (splined portion adjacent to 320) includes exactly seven teeth and said pocket in said adjustment arm includes exactly seven tooth cavities for slideably receiving said seven teeth of said hub (fig 3) (clm 39).
- c. An adjustment lever for extending the useful life of a torsion bar in a vehicular suspension assembly, said lever comprising: a body 100 having a pivot portion 130 at one end thereof, a tip portion 122 at another end thereof, and a central lever 120 portion extending between said pivot and tip portions, said pivot portion including a pocket formed by a toothed inner periphery 132 defined by a plurality of equally angularly spaced apart teeth, each said tooth aligned along a respective imaginary radial passing centrally therethrough; a hub (splined portion adjacent to 320) removably disposed in said toothed pocket of said body, said hub having a toothed outer periphery consisting of equally angularly spaced apart teeth slideably received in said pocket of said body, whereby the useful life of a fatigued torsion bar can be extended by completely disengaging said hub from said adjustment lever and then re-engaging said hub with said adjustment lever in a new relative position resulting in a slight incremental adjustment of said tip portion relative to the torsion bar (fig 1-5) (clm 40).
- d. 41. (New) An adjustment as set forth in claim 40 wherein the number of said teeth is not equal to six (fig 3) (clm 41).
- e. 42. An adjustment lever as set forth in claim 40 wherein said hub includes exactly seven teeth and said pocket in said adjustment arm includes exactly

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seven tooth cavities for slideably receiving said seven teeth of said hub (fig 3) (clm 42).

7. Yonemoto does not disclose an intermediate hub. Kataoka discloses a suspension height-adjusting mechanism for use in a torsion bar suspension and makes known:

f. Said adjustment end of said torsion bar including a hex-shaped fitting consisting of six points arranged in equal angular increments of 60° relative to one another; and an intermediate hub 64 removably disposed in said adjustment mechanism, said hub having a hex-shaped opening adapted for mating engagement with said hex-shaped fitting on said adjustment end of said torsion bar and a toothed outer periphery consisting of equally angularly spaced apart teeth slideably received in a complimentary-shaped pocket in said pivot portion of said adjustment lever (figs 7-9) (clm 36).

g. An apparatus as set forth in claim 36 wherein each said tooth on said outer periphery of said hub is aligned along an imaginary radial passing centrally therethrough, and wherein none of said points of said hub opening coincide with said imaginary radial passing centrally through each of said respective teeth in said pocket, whereby the useful life of a fatigued torsion bar can be extended by completely disengaging said hub from said adjustment mechanism and then re-engaging said hub with said adjustment mechanism in a new relative position resulting in a slight incremental adjustment of said tip portion relative to the torsion bar (fig 9) (clm 37).

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h. An apparatus as set forth in claim 36 wherein the number of said teeth on said outer periphery of said hub is not equal to six or to the number of points in the opening (fig 9) (clm 38).

i. An intermediate hub; a hex-shaped opening; said hex-shaped opening defined by six points arranged in equal angular increments of 60° relative to one another (fig 7) (clm 40).

j. None of said points of said opening coincide with said imaginary radial passing centrally through each of said respective teeth in said pocket (fig 9) (clm 40).

8. Re claims 36 and 40, it would have been obvious to one of ordinary skill and creativity in the art at the time the apparatus was made to modify the suspension of Yonemoto to include an intermediate hub as taught by Kataoka so as to provide finer adjustment increments (col 5, lin 12-24). Re claim 36, selecting an adjustable range would be a matter of obvious design choice based on the number of teeth within the hub.

9. Re claims 37-38 and 40, it would have been obvious to one of ordinary skill and creativity in the art at the time the apparatus was made to modify the suspension of Yonemoto to include staggered spacing of teeth and different numbers of teeth as taught by Kataoka so as to avoid duplicate adjustment positions.

Allowable Subject Matter

10. Claims 29-30 are allowed.

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11. Claims 13-15 are objected to as being dependent upon an objected to base claim, but would be allowable if claim 13 is corrected. Claim 17 is objected to above, but would be allowable if dependent upon corrected claim 13.

Response to Arguments

12. Applicant's arguments filed 25 May 2007 have been fully considered but they are not persuasive.

13. Applicant argues that the lever of Yonemoto has a severely limited range. Examiner disagrees and notes that figures 4-5 would lead one of ordinary skill in the art to believe that the lever could be adjusted to at least 60 degrees by use of an appropriately sized screw mechanism.

14. Applicant argues that the torsion rod of Yonemoto must be discarded when fatigued. Examiner disagrees and notes that torsion bar end 320 may be removed from cylinder 130, rotated by the appropriate number of increments, and reinserted into the cylinder, thereby restoring ride height.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard J. McCreary, Jr. whose telephone number is 571-272-8766. The examiner can normally be reached on 0700-1700 M-F.

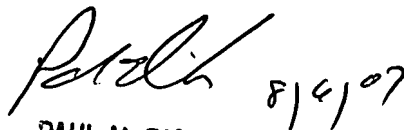
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Leonard J. McCreary, Jr.
Examiner
Art Unit 3616



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